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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,666	04/30/2001	William E. McKinzie III	10599/10	2274

757 7590 04/18/2003

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EXAMINER

LE, HOANGANH T

ART UNIT	PAPER NUMBER
2821	

DATE MAILED: 04/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.  
09/845,666

Applicant(s)

MCKINZIE et al

Examiner  
HOANGANH LE

Art Unit  
2821



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Mar 3, 2003

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-44 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 21-29 is/are allowed.

6)  Claim(s) 1, 2, 12-15, 17, 18, and 30-44 is/are rejected.

7)  Claim(s) 3-11, 16, 19, and 20 is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

1. The amendment filed on March 3, 2003 is acknowledged.

### ***Claim Rejections - 35 USC § 112***

2. Claims 35-37 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 35, are “an FSS dielectric layer” (line 2) and “an FSS dielectric layer” (line 3) the same?

In claim 44, “the conductive backplane structure” have no antecedent basis.

Claims 36 and 37 recite “the spacer layer has conductive vias associated with some or all of the conductive patches”. From the claims, it is not clear because the independent claim 33 recites “ the spacer layer has conductive vias associated with some but not all of the conductive patches”.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2,12-15,17-18 and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaubert et al (the US Patent No.4,367,474, of record).

The Schaubert et al reference teaches in figure 11 a frequency selective surface having an effective sheet capacitance which is variable to control resonant of the artificial magnetic conductor. The frequency selective surface comprises a single layer of conductive patches 10 disposed on a dielectric layer 12. Voltage variable capacitive circuit elements 20,22,24 are coupled with the FSS (figure 11).

5. Claims 33-36 and 38- 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Sievenpiper et al (the IEEE article June 13-19, 1999, cited by Applicant).

The Sievenpiper et al reference teaches in figure 1 an artificial magnetic conductor comprising: a frequency selective surface (FSS); a conductive backplane structure; a spacer layer separating the conductive backplane structure and the FSS, the spacer layer including conductive vias extending between the conductive backplane structure and the FSS. The FSS comprises a dielectric layer with a single layer of conductive patches disposed on a side of the dielectric layer (figure 1). The first predetermined conductive vias are arranged to electrically couple a bias voltage line and respective adjacent conductive patches and second predetermined conductive vias are arranged to electrically couple a ground plane and respective adjacent conductive patches (figure 1). The

conductive backplane structure comprises a stripline circuit with one or more bias control signals routed in between ground planes of the stripline circuit. The conductive backplane structure comprises a stripline circuit and distributed or lumped RIF bypass capacitors inherent in the design of the stripline circuit (figure 2).

6. Claims 33- 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Yablonovitch et al (the WO Patent No. 99/50929, cited by Applicant).

The Yablonovitch et al reference teaches in figure 14a an artificial magnetic conductor comprising: a frequency selective surface (FSS) 24; a conductive backplane structure 30; a spacer layer separating the conductive backplane structure and the FSS, the spacer layer including conductive vias 72 extending between the conductive backplane structure and the FSS. The FSS comprises a dielectric layer 70 with a single layer of conductive patches 62 disposed on a side of the dielectric layer (figure 14a). The first predetermined conductive vias are arranged to electrically couple a bias voltage line and respective adjacent conductive patches and second predetermined conductive vias are arranged to electrically couple a ground plane and respective adjacent conductive patches (figure 14a). The conductive backplane structure comprises a stripline circuit with one or more bias control signals routed in between ground planes of the stripline circuit. The conductive backplane structure comprises a stripline circuit and distributed or lumped RIF bypass capacitors inherent in the design of the stripline circuit (figure 1).

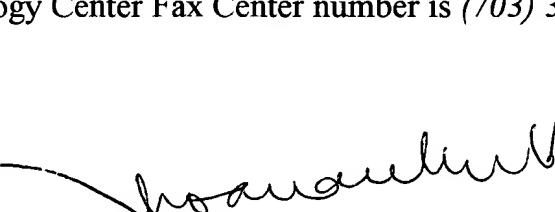
*Allowable Subject Matter*

7. Claims 21-29 are allowed.
8. Claims 3-11, 16, and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Correspondence*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Hoanganh Le whose telephone number is (703) 308-4921.
10. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.
11. Papers related to Technology Center 2800 applications **only** may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Technology Center Fax Center number is (703) 308-7722 or (703) 308-7724.

Hoanganh Le  
Primary Examiner  
Art Unit 2821  
April 16, 2003

  
Hoanganh Le  
Primary Examiner